

## ***REMARKS***

Reconsideration of the present application is respectfully requested. No claims have been canceled, amended or added. No new matter has been added.

### 35 U.S.C. § 102(e) Rejection

Claims 1-48 stand rejected under 35 U.S.C. § 102(e) based on U.S. Patent no. 6,986,018 of O'Rourke et al. ("O'Rourke"). Applicant hereby reserves the right to swear behind O'Rourke in the subsequent prosecution of the present application.

Applicant respectfully traverses the rejections. As explained below, each of the independent claims includes at least one limitation which is not disclosed or suggested in the cited art.

#### Claim 1

Claim 1, recites:

1. A device to operate as an intermediary node on a network, the device comprising:

**a user interface to enable a user to specify a set of forwarding rules for forwarding requests on the network;**

a database to store the set of forwarding rules;

a request processing unit to receive a request from a client; and

a rule evaluator to evaluate the set of forwarding rules to identify a rule in the set of forwarding rules which applies to the request, such that the request processing unit attempts to forward the request to a

**destination selected according to said rule.**

O'Rourke does not disclose selecting a destination to which to forward a request based on a rule that applies to the request. O'Rourke states that when a request for content is made from a client to a server, a determination is made as to whether the server is functioning as a cache server or an origin server (O'Rourke: Column 2 lines 60-63). If the server is functioning as a cache server a request for content is processed according to a set of cache policies and, if operating as an origin server, the content is provided to the client (O'Rourke: Column 2 lines 64-67). O'Rourke does not disclose a request processing unit forwarding the request to a destination selected according to the forwarding rule that applies to the request.

O'Rourke further discloses that if a requested content is not available on the cache server, then the cache policies determine whether to download the requested content or redirect the client to a different server (O'Rourke: Column 6 lines 59-62). As discussed above, a determination of whether the server is operating as a cache server or an origin server is made, and the downloading occurs when the cache server is acting as an origin server. The cache policies according to O'Rourke determine whether to redirect the client to a different server when there is a cache miss. Unlike forwarding a request to a destination selected according to a forwarding rule, in a redirect a client is informed by an entity such as a cache server, of a different entity, where the client can retrieve the requested information. Nothing in O'Rourke discloses or suggests selecting a particular forwarding destination for a request according to a rule that applies to the request.

In addition O'Rourke states that the cache policies may determine, for example, how to handle a cache miss. (Column 5, lines 49-50). When a cache miss occurs in

O'Rourke, the client to waits while the server downloads a copy of the requested content, or the client is redirected to a different cache server or the origin server to retrieve the requested content. (Column 8, lines 7-12). So at most O'Rourke discloses whether to redirect a client after a cache miss and not determining a forwarding destination for the requests by applying the forwarding rules.

Independent claims 15, 23, 26, 32, 34 and 37, recites limitations similar to those in claim 1 discussed above and other limitations. As discussed above, O'Rourke does not have these limitations. Therefore, claims 15, 23, 26, 32, 34 and 37 are also patentable over O'Rourke.

Given that claims 2-14, 16-22, 24-25, 27-31, 33, 35-36 and 38-48 either directly or indirectly depend from independent claims 1, 15, 23, 26, 32, 34 and 37, applicant respectfully asserts that claims 2-14, 16-22, 24-25, 27-31, 33, 35-36 and 38-48 are also patentable over O'Rourke.

## CONCLUSION

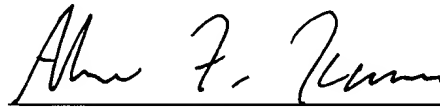
In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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